



[Handwritten signature]

**CERTIFICATE OF MAILING
UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313 on

30 March 2007
HUESCHEN AND SAGE

[Signature]
Dated: 30 March 2007

MERZ 35 US

Applicant : Khalid IQBAL and Inge GRUNDKE-IQBAL
Serial No. : 10/622,163
Filed : July 17, 2003
Title : NMDA RECEPTOR ANTAGONISTS AND THEIR USE IN
INHIBITING ABNORMAL HYPERPHOSPHORYLATION
OF MICROTUBULE ASSOCIATED PROTEIN *tau*
Art Unit : 1617
Examiner : Yong Soo CHONG, Esq.

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

RESPONSE AND ELECTION UNDER 37 CFR §§ 1.111 AND 1.142

Sir:

Responsive to the Office Action, an Election of Species Requirement, dated October 2, 2006, **as to which the period for response has been extended by five (5) months by payment of the appropriate fee**, it is the position of the Office that the application pertains to more than one species of the generic invention. The

applicants **traverse** this conclusion on the grounds that a chemist would not find the instant invention to involve structurally distinct inventions.

Nonetheless, in an effort to advance the prosecution of the instant application, the Applicants elect **with traverse** memantine as the single disclosed compound of formula I and Down's syndrome as the single disorder resulting from hyperphosphorylation of microtubule protein *tau*.

Absent a favorable decision upon reconsideration of the Election of Species Requirement, the Examiner may withdraw the non-elected subject matter, without prejudice to its rejoinder during later examination and/or prosecution in a Divisional Application.

* * * * *

Accordingly, entry of the present Election into the record of this application and favorable action on the merits thereof, are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: 
G. PATRICK SAGE

Dated: March 30, 2007
Customer No.: 25,666
Seventh Floor, Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, MI 49007
(269) 382-0030

Enclosure: Check No. 75212 for Five (5) Month Extension Fee and Postal Card Receipt

* * * * *

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.